



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

CRS  
Docket No: 4877-02  
17 November 2002

[REDACTED]

[REDACTED]

This is in reference to your application for reconsideration for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 November 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 23 March 1955. The record reflects that you received four nonjudicial punishments and were convicted by a summary court-martial. The offenses included an unauthorized absence of a day, drinking as a minor, drunken or reckless driving, drunk and disorderly conduct, drunk and reckless driving, conduct bringing discredit to the Navy, willful disobedience of a lawful order and disrespect.

A general court-martial convened on 29 October 1957 and found you guilty of an unauthorized absence of 114 days. The court sentenced you to confinement for six months, forfeitures for the same period, and a bad conduct discharge. You received the bad conduct discharge on 21 January 1958.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your good postservice and Presidential pardon. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to your extensive disciplinary record which

included six disciplinary actions for offenses that included unauthorized absences totalling nearly four months. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director